

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 9, 2003 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03008

PROPOSAL: To vacate the south 155' of Southwest 32nd Street.

LAND AREA: Approximately 7,750 square feet.

CONCLUSION: This request to vacate a portion of Southwest 32nd Street is associated with the EDM Business and Industrial Park preliminary plat. The requirement to vacate this portion of the street was included as a condition of approval prior to final platting. This vacation is consistent with the preliminary plat, will allow the site to be developed as intended, and will not diminish access in the area. If approved, the right-of-way will be combined with adjacent land and be included in developable lots.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The south 155' of Southwest 32nd Street lying in the northeast 1/4 of Section 29, T10N, R6E, Lancaster County, Nebraska.

LOCATION: South 32nd Street, between West O Street and the BNSF railroad lines south of West O Street.

SURROUNDING LAND USE AND ZONING:

North:	Vacant	I-1
South:	Railroad	I-1
East:	Vacant	I-1
West:	Vacant	I-1

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Comprehensive Plan designates this area for future commercial and industrial land uses.

Page F87 - A Balanced Transportation System. Transportation planning in Lincoln will be guided by the principle of balancing needs and expectations. It will recognize that transportation is a means to the goal of a unified, liveable, and economically strong community, and not an end in itself. Thus, the system will effectively move people and goods around the community, while minimizing impacts on established neighborhoods and investments.

HISTORY: This request is associated with the preliminary plat of EDM Business and Industrial Park, a preliminary plat that was approved by the Planning Commission on June 11, 2003. That plat showed the south 155' of Southwest 32nd Street vacated and combined into new lots. This request proposes to vacate the south 155' of Southwest 32nd Street to accommodate the lot layout of the preliminary plat.

ANALYSIS:

1. Southwest 32nd Street south of West O Street in this area exists in right-of-way only, as the street has never been constructed.
2. The tracts of land adjacent to this portion of Southwest 32nd Street are to be platted as part of EDM Business and Industrial Park. In that plat, all lots have frontage to streets internal to the development, and this portion of Southwest 32nd Street no longer serves any purpose.
3. If approved, the vacated right-of-way can be combined with adjacent lands and put to productive use.
4. There are sanitary sewer lines in the area of the proposed vacation. As a result, Public Works is requesting that a permanent utility easement be granted over the entire vacated area for maintenance of those facilities.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

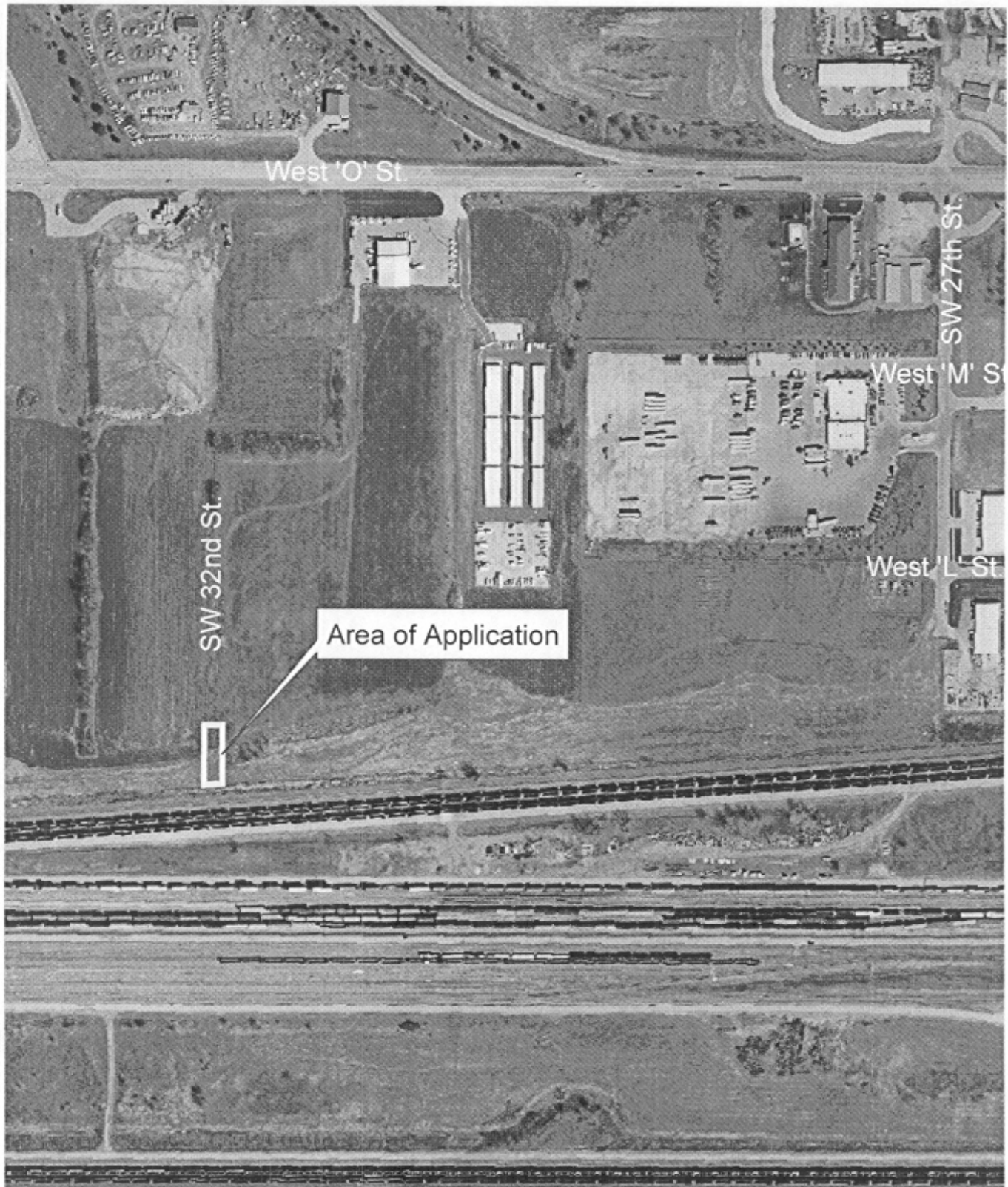
- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 A permanent utility easement, approved by Public Works, granted to allow for maintenance of the sanitary sewer lines that currently exist in the right-of-way to be vacated.

Prepared by:

Brian Will
Planner
June 23, 2003

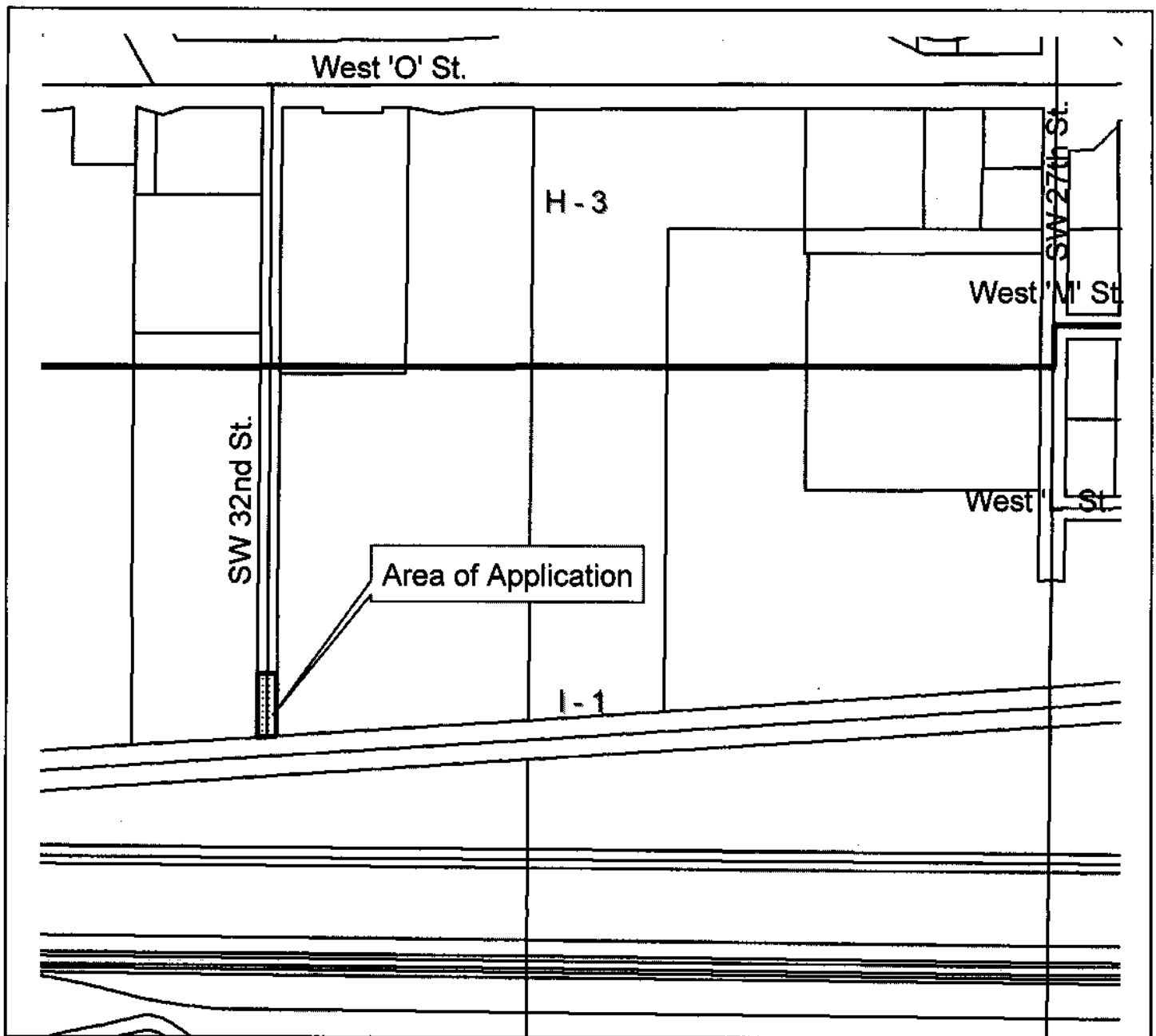
**APPLICANT/
CONTACT:**

Jeffrey Mellen
EDM Corporation
3001 West O Street
Lincoln, NE 68528



Street & Alley Vacation #03008
SW 32nd St. & West 'O' St.



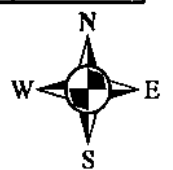
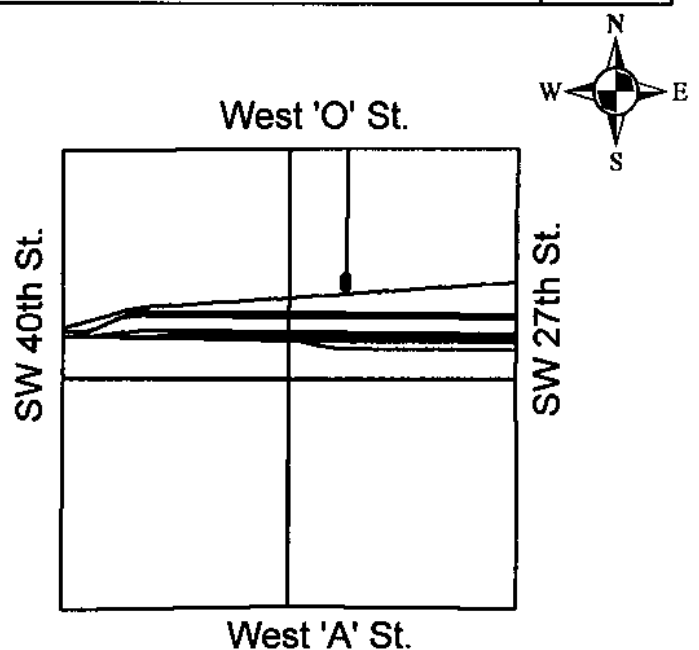
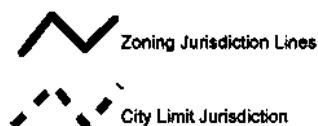


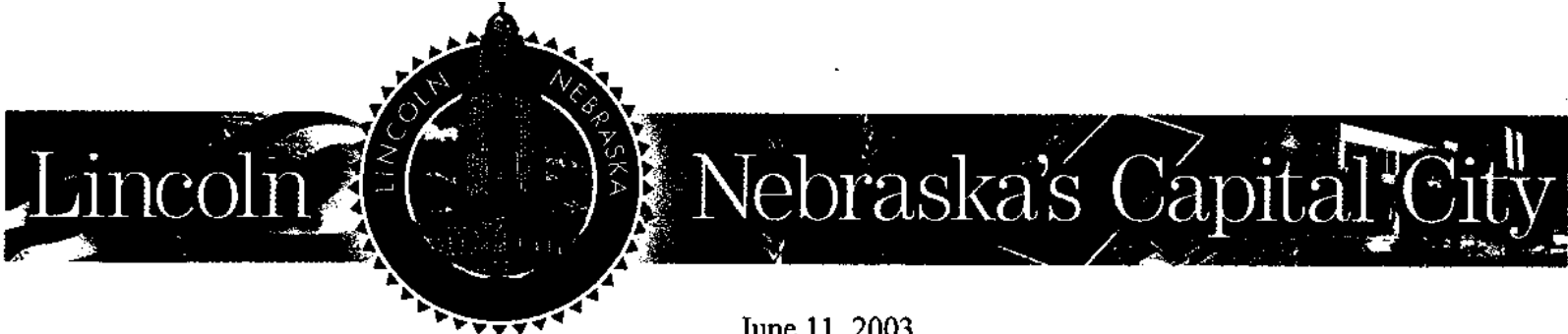
Street & Alley Vacation #03008 SW 32nd St. & West 'O' St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 29 T10N R6E





June 11, 2003

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating approximately the south 155 feet of S.W. 32nd Street lying in the Northeast 1/4 of Section 29, Township 10 North, Range 6 East, Lincoln, Lancaster County.

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from EDM Corporation, owners of Irregular Tracts 61 and 65, in the Northeast 1/4 of Section 29-10-6, Lancaster County to vacate the above described portion of public right-of-way. Purpose of the vacation is a proposed commercial development and to create the street layout shown on the proposed preliminary plat.

The City of Lincoln Wastewater Department has existing 8" and 36" sanitary sewer lines in the area of proposed vacation. A permanent easement would need to be established for the entire vacated right-of-way for maintenance of these facilities.

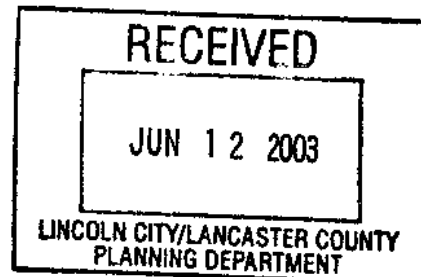
The Department of Public Works and Utilities recommends approval of this proposed vacation with the above mentioned conditions. This vacation contains an area of 7,750 square feet, more or less.

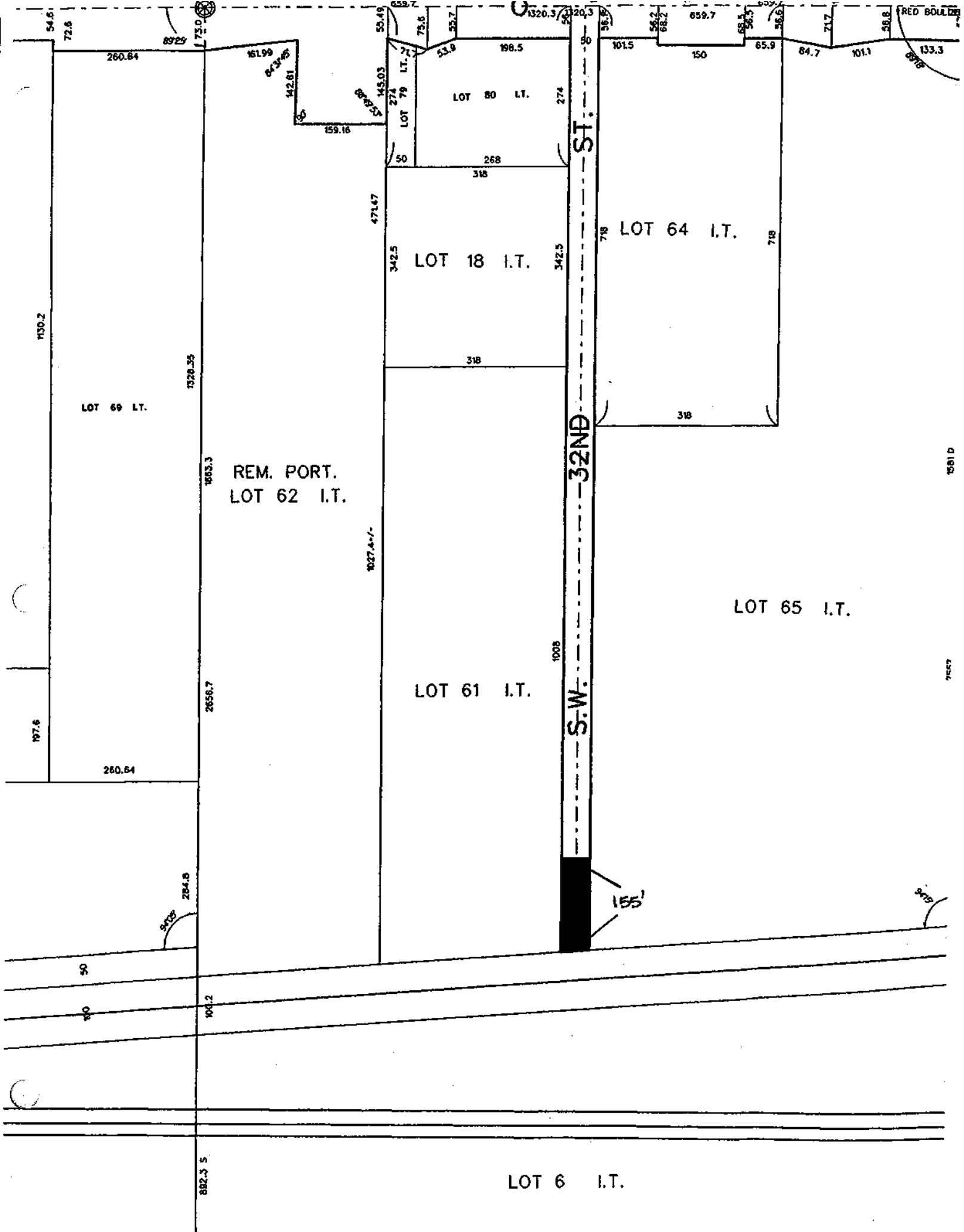
Sincerely,


Byron Blum
Engineering Services

cc: Mayor Seng
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper

SW32nd Vac Ltr rdm.wpd





PETITION TO VACATE PUBLIC WAY
With
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersign property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from north line of 1st St. to the south line of 2nd St.)

Approximately 155' of S.W. 32nd Street from the end of a proposed
Cul-De-Sac to the property line.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (Legal description from deed or abstract)

IT lot 61, NE 1/4 Section 29, T 10 N, R 6 E &
IT Lot 65, NE 1/4 Section 29, T 10 N, R 6 E

DATED this 5th day of MAY, 2001.

RAYMOND FARMS, LLC

By

for

EDM CORPORATION

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION
BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)

REFERRED

MAY 12 2003

Law Dept

(Individual(s) Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
20____, by _____
(Please indicate marital status)

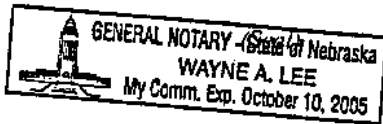
(Seal)

Notary Public

(Corporate Acknowledgment)

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 5 day of MAY,
2001, by JEFFREY MELLEN, president of EDM CORPORATION, on behalf of the
corporation.



Wayne A. Lee
Notary Public

(Partnership Acknowledgment)

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
20____, by _____, general partner of
_____, on behalf of the partnership.

(Seal)

Notary Public

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition of Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): EDM Corporation
If more than one individual, indicate if you are:
_____ joint tenants with right of survivorship, OR _____ tenants in common
2. Petitioner's Address: 3001 West 'O' Street, Lincoln, NE 68528
3. Petitioner's Telephone Number: ()
4. Social Security Number of each Petitioner or Federal Employer Identification No. if a Corporation:

5. Name of street, alley, or other public way sought to be vacated: Approximately 155' of S.W. 32nd Street
from the end of a proposed Cul-De-Sac to the property line.
6. Why are you seeking to have this street, alley, or other public way vacated?
To facilitate Commercial Development of the land and to
create the street layout desired by the Lincoln Planning Dept.
7. What use or uses do you propose to make of the public way should it be vacated?
private land development with Utility Easements
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in
the **Petition to Vacate Public Way** and/or other portions of the vacated public way?
 X YES NO
9. Name and address of person to whom tax statement should be sent:
EDM CORPORATION
3001 WEST "O" ST.
LINCOLN, NE 68528 *[Signature]*

Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**